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Technical assistance and capacity-building

Written statement* submitted by the International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2018]

* Issued as received, in the language(s) of submission only.

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The situation in Somalia**

International Educational Development, Inc. and the Association of Humanitarian Lawyers have worked on the situation in Somalia for many years. While we have had a particular focus on judicial reform, we have also addressed other pressing issues. In this statement we provide comments on the current situation in Somalia and the visit of the Independent Expert. We conclude with suggestions for achieving progress in the situation of human rights in Somalia.

Continuing terrorist acts in Somalia

Al-Shabaab continues to engage in terrorist acts on a regular basis in spite of efforts by numerous players including AMISON, Somalian forces, Kenyan forces and United States of America operatives. Just after the end of the 36th session of the Council, al-Shabaab carried out its largest act to date with an attack in Mogadishu that killed over 300 persons and injured at least 200 others. Since then there have been a number of other attacks including an attack on a football field shortly before the Independent Expert's visit in April/May 2018. In early July, 2018 al-Shabaab targeted the Interior Ministry. According to persons who have left al-Shabaab, the group continues to amass considerable funds through road blocks and other coercive measures. Others have reported clashes between factions of al-Shabaab, although this is difficult to prove due to the inability of Somalian, Kenyan or AMISON forces to move freely in territory occupied by al-Shabaab. The numbers of al-Shabaab fighters also remains elusive, with most estimates showing between 5 and 8 thousand persons and apparently growing over the past years.

The humanitarian crisis

The humanitarian situation remains dire in Somalia due to a long drought and now serious flooding. Flood waters engulfed much of Mogadishu and nearby areas in summer 2018. As many as half a million Somalis are affected by this flooding, while hundreds of thousands of others are displaced by drought and the search for food. Large numbers of Somalians have fled into Kenya. As noted by the Independent Expert, Bahame Nyanduga, in his statement of 26 May 2017, more than half the population faces acute food and water shortages and he urged donors to contribute $4.5 billion to combat Somalia's "biggest humanitarian crisis in history." Funds, however, are far short of this figure, and there has not been as much progress in returning people to their original homes as hoped.

The political situation

The political situation also remains troubling with many crucial reforms awaiting action from the executive branch and the parliament. We are pleased to note, however, the establishment of the Joint Programme on Human Rights and hope that this new body is able to improve the overall situation of human rights in Somalia. Elections involve only a very small percentage of the population and the current government actually controls only a very small portion of the country, making national unity in the near future improbable. Somaliland and Puntland remain essentially separate.

Piracy

After several years of decreasing incidences of piracy in Somalia and the region, there are fears that it is increasing. Experts on the subject have urged the government of Somalia to undertake serious action at prevention of piracy, including addressing the root causes such as human rights violations and the fear of severe overfishing in Somalian waters that would further impact Somalian food security.

Activities of the Independent Expert

We were pleased that the Independent Expert was able to carry out a mission to Somalia in April and early May, 2018 May in spite of security concerns and we await his report of that mission at the Council's 37th session. He issued a statement following his mission and again addressed the situation of the traditional elders and their Xeer system, especially in regards to the need to protect women from female genital mutilation, rape and sexual violence and to comply with international standards (the Paris Principles) in carrying out their functions. He also stressed the need for continued progress in judicial reform as a whole. In our view, without a well-functioning judiciary, the goal of a unified Somalia may be impossible. We continue to urge a road map for judicial reform and again offer to assist the Independent Expert in this regard.

Recommendations and conclusion

Somalia continues to be the country with what seems to be the most problems and the least capacity to address them. Somalia is also located in a very critical part of the world and its security and stability are essential to regional security

and stability. The international community as a whole should work in concert to achieve both security and stability in Somalia and the region.

The African Union needs to continue its efforts and should increase the number of troops in Somalia. We are uncertain as to the efficacy of US air strikes and are concerned that there are no guarantees that civilians are protected in such operations. We are also concerned about the role of the Kenyan military and believe study into whether it should be part of AMISOM is needed. Further efforts should be made to surround and isolate al-Shabaab and to prevent their ability to set up road blocks and other mechanisms to obtain funds.

The international community should also address the issue of food and water security as a matter of great urgency to remedy the severe effects of the prolonged drought and now the flooding. The international community should also assist the government of Somalia to reduce piracy in Somalia and the region and to address its causes.

The Independent Expert carries out his valuable work for the Somali people and with sensitivity to the many often competing issues at stake. We urge the Council to continue his mandate and with adequate funds. We urge the international community as a whole and the Council and its mandate holders in particular to support his work and to provide assistance where useful. We especially urge all interested States to review ways in which they can work with the Independent Expert on judicial reform and to provide meaningful resource assistance for it as a matter of the highest priority.

**The Association of Humanitarian Lawyers, Inc., an NGO without consultative status, also shares the views expressed in this statement.